REMARKS

In the outstanding rejection, addressing claims 1-32, the Examiner objected to the drawings for various informalities, and objected to the specification for an informality. Claims 5-32 were objected to as being in improper multiple dependent form. Claims 1-4 were rejected as indefinite under 35 U.S.C. § 112, ¶2. Claims 1-4 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Mengel* (U.S. 4,833,331) in view of *Propst* (U.S. 5,069,466).

By this amendment, Applicant cancels claims 1-32 and introduces new claims 33-63.

Objections to the Drawings

The drawings stand objected to under 37 C.F.R. § 1.83(a) for failing to depict the recited "layer of textile material." Further, the specification was objected to under 37 C.F.R. § 1.84(p)(4)-(5) because reference numeral (29) was not included, and reference numeral (32) was used to designate more than one element.

In order to overcome these objections and better depict the subject matter of the present application, the Applicant submits herewith corrected replacement drawings in accordance with 37 C.F.R. § 1.121 (d) as described below. No new matter has been added.

(a) Figs. 1 to 13 and 24 have been amended to correct the above deficiencies, and to better portray the main features of the invention;

(b) Plane views of Figs. 5, 7, 9 and 11 are substituted with isometric views of the corresponding parts of the claimed module;

(c) Reference numeral (29) for the *"layer of textile material"* is included throughout, and reference number (32) now uniquely designates the hook and loop type fastener strip, bonded along the internal surface area of the cross section edges of the flexible partition wall.

Withdrawal of the objection to the drawings, and approval of the replacement drawings by the Examiner is respectfully requested.

Objections to the Specification

As discussed above, the specification has been amended to introduce reference number (29), which was missing due to errors during the translation of the original text. Page 23 of PCT/IB2003/002837, from which this application claims priority, references element 29 as "una capa de paño." No new matter has been added.

In view of the modifications introduced to the drawings, the specification was amended in order to correct references to element numeral 32, which now only designates the "*Velcro strip*" on the edges of wall 30.

The above mentioned amendments are included in paragraphs [0092], [0100], [0101], [0109], and [0110] of the specification as published by the USPTO, and are set forth in the attached substitute specification.

Additionally, due to the modifications introduced to the drawings, the corresponding description was also amended in order to keep coherence with the new views (paragraphs [0042], [0044], [0046] and [0048]).

The specification further stands objected to for containing the term "nervure 20." This term is the result of a translation error of the original Spanish term "*nervadura*" into English. Properly translated, this word more accurately means *"ledge"* in English. Such

amendments have been made to paragraphs [0009], [0091], [0093], [0094], and [0109]. No new matter has been added.

The above mentioned amendments to the specification do not broaden the original scope of the invention and were made solely to clarify the specification.

Since all objections having been addressed, it is respectfully requested that the objections to the specification be withdrawn.

Objections to the Claims

Claims 5-32 stand objected to under 37 C.F.R. § 1.75(c) for improper multiple dependent form. In order to overcome this objection, claims 1-32 have been canceled, and new claims 33-63 have been introduced.

It is respectfully submitted that the new claims fully conform to 37 C.F.R. § 1.75, and render the objection moot. It is therefore requested that the objection be withdrawn.

Rejections of the Claims

Claim Rejections Under 35 U.S.C. §112

Claims 1-3, 4/1, 4/2 and 4/3 stand rejected under 35 U.S.C. §112, second paragraph, because they were deemed to be *"narrative in form and replete with indefinite and functional or operational language"*. Applicant believes that the claims, while not in full conformance to U.S. practice, were nevertheless not so indefinite as to prevent examination on the merits. Notwithstanding, in order to overcome this rejection and avoid extensive grammatical amendments to the pending claims, Applicant has deleted claims 1-3, 4/1, 4/2 and 4/3 and introduced new claims.

It is respectfully submitted that the new claims fully conform with 35 U.S.C. §112 and render the rejection moot. It is therefore requested that the rejection be withdrawn.

Claim Rejections Under 35 USC §103

Claims 1-3, 4/1, 4/2 and 4/3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mengel [US Patent 4,883,331] in view of Propst [US Patent 5,069,466]. The examiner stated that Mengel discloses all of the elements claimed, except for the elliptical shape and the partitions. The Examiner deemed the elliptical shape to be an obvious matter of design choice, and set forth Propst as purportedly teaching the use of slats and bendable walls. The Examiner concluded that it would have been obvious to one of ordinary skill in the art "to modify the wall/panel of Mengel so as to incorporate a bendable wall/panel as taught by Propst because this arrangement would enhance the versatility of Mengel's modular system since a bendable panel would lend itself to a wider variety of mounting situations since the panel could conform to the shape of the body with it was to be mounted upon."

Applicant respectfully traverses the rejections for at least the following reasons.

First, Applicant disagrees with the Examiner's analysis based at least on the fact that one of ordinary skill would have no motivation to perform the required modifications on Mengel's structures to produce the module and the dismountable exhibition or customer assistance station system disclosed in the current application.

Contrary to the Examiner's characterizations, Mengel does not show a *"module"* to build *"exhibiting stations,"* but modular knock-down furniture. It is clearly described within the specification that the problem intended to be solved by Mengel's invention is making knock-down furniture that is easily assembled. As stated in Mengel:

> "However conventional knock-down furniture is still somewhat difficult to assemble on-site and normally requires at least two operators"

(Mengel, column 1, lines 42-44). This problem, i.e., the difficulty of assembly, is solved by introducing joints that use hook and loop type fasteners. However, in order to give structural stability, it is necessary to employ an additional mechanical aligning system:

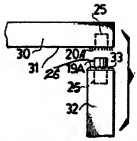
> "In combination with the hook and loop fastening means, **a mechanical aligning system is utilized** so that the two parts to be fastened together by the hook and loop fastening material can be perfectly aligned one with the other just prior to the mating of the two portions of the hook and loop fastening material. It will of course be understood **that without some method of aligning the parts accurately prior the coupling the hook and loop portions, considerable difficulty can be experienced in accurate alignment**"

(Mengel, column 2, lines 51-61, emphasis added).

Such a mechanical aligning system, according to Mengel, may consist of a series of dowels and apertures, as illustrated in Figs. 1, 2, 3, 4, 6, 7, 8 and 9. As disclosed within Mengel's specification:

> "When utilizing relatively long lengths of such hook and loop material to attach panels such as desk top panels and backs, to supporting structures such as pedestals and the like, prealignment of the parts is **an essential feature** because of the difficulty in accurately positioning such panels upon the supporting structure surfaces and although the mechanical alignment means described and illustrated consists of **dowels and apertures** to receive same in the matching parts, nevertheless **other mechanical alignment means may be utilized** such as downwardly extending edge flanges and the like. Also, this mechanical prealignment **adds rigidity to the assembled structure**"

(Mengel, column 6, lines 19-31, emphasis added).



Mechanical alignment system in Mengel's Invention. Figure 8.

Having in mind Mengel's disclosure, one of ordinary skill in the art would not choose to compromise Mengel's overall structure by eliminating the disclosed mechanical aligning system, and rely only upon hook and loop type fasteners as the solitary means of joining the parts of the module, as is done in the present invention, because he or she would consider the mechanical aligning system as essential to the structural integrity of the module.

Additionally, the furniture described by Mengel does not allow the construction of a "system for exhibition and customer attention" as recited, because there is no disclosure, suggestion or teaching to attach additional pieces to a central one. Applicant highlights that the possibility of connecting more than one module is an important feature of the current application, and allows a user to build a plurality of forms and shapes based on one central module (see for example figures 19, 20, 21, 23, 34, and 35, and claims 11 to 31, present application).

In order to illustrate the versatility of the instant invention, Applicant refers to the following pictures. These pictures clearly show how the modules of the invention can be arranged in different shapes to give multiple possibilities for the user.

Different shapes that can be built by the system of the invention

None of these arrangements would be possible based on Mengel's disclosed modular system:

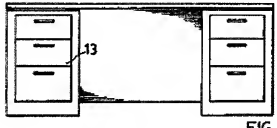


FIG.5

Mengel's furniture

Mengel's system refers to modular furniture that is made of rigid components, which can be arranged in different combinations to create different shape configurations (*see* Figs. 5, 10, 13, 14 and 15). Mengel does not, however, directly join two or more modules into a composite whole, as the present invention does.

Furthermore, in Mengel's furniture, lateral walls are constructed with pedestals, which are made of a solid **inflexible** wood or wood like materials. On the other hand, the lateral walls of the module of the claimed invention comprise a series of **elongated wood elements**, which are flexibly joined by attaching the wider of the parallel faces of the wood elements to a layer of textile material (designated within the disclosure as "Tensaflex"), which can be bent to give an oval shape. This feature is not present in Mengel.

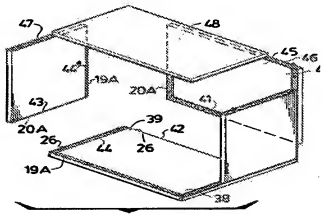
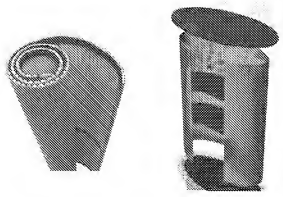


FIG. 10

Rigid lateral Walls in Mengel's furniture

Mengel discloses some panels that **may be covered** by fabric, but this feature is completely optional, and fabric in these panels has only a decorative purpose, and not a structural one, as in the module of the claimed invention.

As depicted in the following pictures, the partition wall of the claimed module is flexible, can be rolled up, and is made out of elongated wood elements and fabric. Once built, the cover lid weight is completely supported by said partition wall.



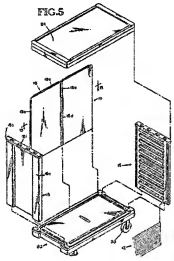
"Tensaflex" partition wall and one module of the

In order to obtain the exhibition or customer assistance system as claimed in the application, the skilled artisan would have to take Mengel's furniture, eliminate all the mechanical alignment means, replace the solid rigid wood walls with flexible fabric-wood walls, and render the module capable of being joined to other modules of the same characteristics. None of these aspects of the present invention are disclosed, suggested or taught by Mengel.

The Examiner attempts to remedy the deficiencies of Mengel by applying Propst as a secondary reference. The Official Action states that one of ordinary skill in the art could take the tambour door (12) taught by Propst, and use it as a wall in Mengel's furniture. Applicant traverses for at least the following reasons.

Although Propst's tambour door (12) comprises slat members bonded to a fabric, the resemblance to the claimed invention is merely passing. The tambour door of Propst serves no structural function in the Propst cart. The tambour door of Propst is merely a closing piece for the front part of the cart. The lateral walls of the Propst cart bear the top panel and give rigidity to the cart. The load-bearing walls of Propst, indeed, are more similar to those of Mengel, and *"are formed with integral corner*

columns 16a which surmount the corner extensions of the bottom panel" (column 3, lines 14-16). Therefore, all weight put on, and into, the cart is supported by the rigid wall panels.



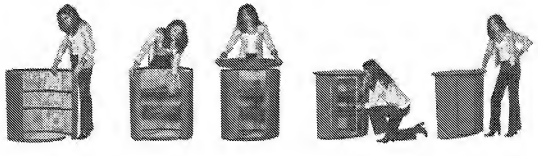
Exploded view of Propst's Cart.

On the other hand, in the instant claims, the unique load-bearing element is the partition wall. It is respectfully submitted that one of ordinary skill in the art would not modify the furniture of Mengel to employ the non-load-supporting door of Propst as a load-bearing wall. There is simply no disclosure, suggestion or teaching that the door of Propst could provide the structural rigidity and columnar strength required to support the working surface of Mengel.

This columnar strength offered by the partition wall in the claimed combination, combined with its flexibility, is not found in the prior art of record. Applicant has found that the claimed module, once constructed, can bear over almost 10 times its own weight. All the support to said weight is solely provided by the partition wall.

Another advantage of the module as claimed is the flexibility of the partition wall. The claimed combination provides a wall that is flexible enough to be rolled up and easily transported, but strong enough to provide mechanical resistance and rigidity to the module. In this way the module of the invention is light (weights approximately 20 pounds), easy to assemble, easily transportable (its constituting pieces occupy almost 8 times less space than the constructed module) and allows a user to build a high number of different exhibition or costumer assistance systems, because each module is designed to be attachable to one or more similar modules.

Moreover, assembling the module of the invention does not require any additional mechanical aids (such as the dowels and apertures of Mengel's furniture), as shown in the following pictures:



Assembling of the Module of the invention

It is respectfully submitted that none of these features are disclosed, suggested or taught by Mengel, and Propst does not remedy these deficiencies. It is therefore requested that the rejection be withdrawn and the new claims passed to issue.

Claims 1-3, 4/1, 4/2 and 4/3 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Nickens [US Patent 6,027,188] in view of Mengel and Propst. The

Examiner alleges that Nickens discloses all of the elements of the claimed combination, except for a base board vertically separated from the lid with the board and lid having VELCRO for securing the partition wall to the body, or showing the partition wall as being fabricated by a series of elongated wood elements arranged and joined in a flexible way via an adhered layer of textile material. The Examiner alleges that Mengel discloses a base board vertically separated from the lid, and Propst discloses a partition as claimed. Applicant traverses.

As a preliminary matter, the kit disclosed by Nickens solves a different problem and has completely different technical features than the module and system of the present invention. Nickens describes a case-to-counter conversion kit, the purpose of which is to provide a portable display that is transported in a carrying case, which serves as the base for building said display. Such systems avoid the inconveniences of storing the carrying cases.

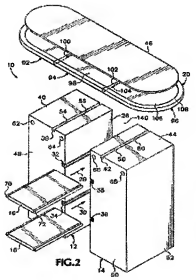
The principal difference between Nickens's display and the module, as currently claimed, is the structural part that provides the mechanical support in the final construction. Nickens's display uses two case bodies spaced apart (12 and 14) as the support of the counter top (20) and as the principal part that offers stability to the display. Additionally "one or more shelves can be attached between two case bodies so as to provide storages surfaces **and add more stability to the counter assembly**." (Nickens, Column 1, lines 52 to 55, emphasis added).

In the Nickens assembly, the final shape and stability of the display is due to two case bodies and the shelves between them. Conversely, and as was discussed previously, the only part that provides support and stability to the module of the

invention is the partition wall, made by the union of elongated wood elements bonded to a fabric.

None of the disclosure or teachings of Nickens would motivate a skilled artisan to replace the case bodies by a flexible wall made of wood elements and fabric.

Although Nickens's kit employs a flexible panel (22), said panel **does not play any role in the structural support of the display**. The flexible panel is preferably made of a polymer-coated fabric, which does not provide any mechanical support to the final construction. This panel is used to wrap the cases to give the appearance of a whole piece, as stated in the specification *"flexible panel 22 is wrapped around the counter* ***to conceal*** *the case bodies"* (column 2, lines 48 and 49).



Internal pieces of Nickens's counter

Accordingly, in order to obtain the module of the current invention, the skilled person would have to remove the cases of Nickens's kit, use a base board and replace the flexible panel for a partition wall made of wood elements and fabric. Doing so would eliminate a principle goal of the Nickens combination - employing the carrying case in the display to obviate the inconveniences of storing the case.

Additionally, Nickens's display occupies almost the same space when it is assembled as when it is in pieces. The module of the present invention reduces its size almost eight times when it is not assembled, as is shown in the following picture. Likewise, Nickens's display is not intended to be lightweight, as the module of the present invention is.

Module of the invention and its transporter case

In addition, Nickens's kit provides **one unique display that cannot be attached to another display,** in contrast to the module of the invention. The claimed invention allows a user to construct a large number of possible exhibition configurations when modules are interconnected, as discussed above.

In summary, Nickens fails to disclose suggest or teach the claimed combination, and Mengel and Propst fail to cure these deficiencies, alone or in combination, as

discussed in above. The new claims recite a partition wall made out of wood elongated elements and fabric, a cover lid and a base board, and a hook and loop type fastener serving to join them. The prior art of record fails to show these features. Accordingly, it is respectfully requested that the rejection be withdrawn, and the new claims passed to issue.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Date: July 2, 2008

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